

REMARKS

Claims 1-52 are pending in the application. Of the pending claims, claims 14-31 and 35-52 are withdrawn from consideration. By way of this amendment, claims 1 and 32 are amended to clarify the context in which the recited invention is used. Support for the amendments to the claims may be found in the specification at, for example, page 1, lines 5-8. Accordingly, no new matter has been added by any of the amendments to the claims.

Applicants respectfully traverse the rejections of claims 1-4 under 35 U.S.C. § 102(e) as anticipated by Ise et al., U.S. Patent No. 6,352,504 ("Ise et al."); claim 5 under 35 U.S.C. § 103(a) as obvious over Ise et al.; and claims 1-13 and 32-34 under 35 U.S.C. § 103(a) as obvious over Rhoades et al., U.S. Patent No. 6,741,174 ("Rhoades et al.") in view of one or more of Ise et al. and Handfield et al., U.S. Patent No. 5,741,966 ("Handfield et al."). Applicants respectfully request reconsideration and withdrawal of these rejections. In particular, each of the claims 1-13 and 32-34 recites an appendable device that includes, among other things, a housing having a fastener configured to enable or facilitate surface mounting of the appendable device to an entity within a process control system. None of the cited art discloses or suggests an appendable device in a process control system.

In particular, while Ise et al. discloses a monitor for use in a hospital setting that can be attached to, for example a hospital bed, Ise et al. does not disclose an appendable device having a housing with a fastener configured to enable the appendable device to be mounted to a surface of an entity in a process control system, as recited by independent claims 1 and 32. As a result, Ise et al. cannot anticipate any of claims 1-13 and 32-34.

Further, Ise et al. cannot properly be relied upon in an obviousness rejection because Ise et al. is nonanalogous art that pertains to a field of endeavor entirely unrelated to process control systems and is not reasonably pertinent to the problems faced by the inventors of the present application. As stated in the "Field of the Invention" section of the application, for example, the applicants' field of endeavor relates to a system and devices that may be appended or attached to equipment and/or other entities in a process control system. Contrarily, the field of endeavor of Ise et al. is related to a patient monitoring device for use in a hospital setting. A monitoring device for use in a hospital is a very different device than an appendable device configured to be surface mounted to an entity in a process control

system. Accordingly, applicants' field of endeavor and the field of endeavor of Ise et al. are entirely unrelated.

Further, the problems encountered by the inventors of the present application are unique and, in particular, concern how to easily and quickly connect and secure an appendable device to the surface of an entity in a process control system that is minimally invasive, meets the environmental requirements and/or limitations of a process control system, and that eliminates or reduces the necessity of a skilled tradesperson having to install the device. The purpose of Ise et al., however, is directed to solving the problem of monitoring a patient during transportation and allowing the connection of different types of sensors to the patient monitoring device.

Because Ise et al. pertains to a field of endeavor entirely unrelated to process control systems and because Ise et al. is not reasonably pertinent to the problems faced by the inventors of the present application, one of ordinary skill in the art at the time the invention was made would *not* have been motivated to modify the disclosure of Ise et al. to arrive at the subject matter recited by claims 1 and 32. Therefore, Ise et al. cannot be used to and does not render any of claims 1-13 or 32-35 obvious.

Lastly, the Examiner has failed to provide a *prima facie* case of obviousness of claims 1-9, 11-13, 32, and 33 over Rhoades et al. in view of Ise et al and, in come cases Handfield et al. In particular, the Examiner admits at page 8, lines 10-11 of the Office action that Rhoades et al. does not disclose all of the limitations of these claims. Still further, Rhoades et al. fails to disclosure the use of a fastener in a process control system for easily attaching sensors, controllers, etc. within the process control system. Applicants respectfully submit that neither Handfield et al. nor Ise et al provides the missing disclosure of Rhoades et al. As discussed above, Ise et al. is not related to process control activities and is therefore non-analogous art and thus one of ordinary skill in the art at the time of applicants' invention would *not* have been motivated to combine the disclosure of Rhoades et al. with Ise et al. to arrive at the claimed subject matter. Likewise, Handfield et al. is not related to process control. It is clear that the cited references must make a suggestion of or provide an incentive for the claimed combination of elements to establish a *prima facie* case of obviousness. See *In re Oetiker*, 24 U.S.P.Q.2d 1443, 1446, (Fed. Cir. 1992); *Ex parte Clapp*, 227 U.S.P.Q. 972,

973 (Bd. Pat. App. 1985). Because none of the cited references discloses or suggests an appendable device having a housing with a fastener configured to enable or facilitate surface mounting of the device to an entity in a process control system, as recited by independent claims 1 and 32, it follows that no combination of the cited references renders these claims obvious. Accordingly, applicants respectfully request that the rejection of independent claims 1 and 32 as obvious over Rhoades et al. in view of Ise et al. and in some cases Handfield et al. be withdrawn.

Applicants' Interview Summary Record

Applicants' attorney, Marla L. Hudson (Reg. No. 43,680), held a telephonic interview with Examiner Crystal Barnes on July 15, 2005.

During the interview, Ise et al. (U.S. Patent No. 6,352,504) and Rhoades et al. (U.S. Patent No. 6,741,174) were discussed in relation to independent claims 1 and 32. Examiner Barnes advised that Ise et al. was non-analogous art to the process control industry and indicated that she would withdraw the rejection of the claims if claims 1 and 32 were directed to an appendable device configured to be surface mounted to an entity in a process control system. Applicants have amended claims 1 and 32 as suggested by Examiner Barnes and, therefore, respectfully submits that claims 1 and 32 (and claims dependent therefrom) are in condition for allowance.

Applicants' attorney thanks Examiner Barnes for the courtesy of granting the telephonic interview and for the Examiner's helpful comments during the interview.

Conclusion

In view of the foregoing, applicants submit that the application as a whole is in condition for allowance, and such action is requested at the Examiner's earliest convenience.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 13-2855, under Order No. 06005/38044. A duplicate copy of this paper is enclosed.

Dated: August 1, 2005

Respectfully submitted,

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